

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

Ronald COLEMAN

SERIAL NO.: **09/697,497**

GROUP ART UNIT: **3691**

FILED: **October 27, 2000**

EXAMINER: **AKINTOLA, Olabode**

TITLE: **METHOD AND SYSTEM FOR USING A BAYESIAN BELIEF
NETWORK TO ENSURE DATA INTEGRITY**

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REPLY BRIEF

Sir:

This Reply Brief is filed under the provisions of 37 CFR 41.30 et seq. responsive to the Examiner's Answer mailed October 15, 2008.

Status of Claims

Claims 1-9 are pending in this application and stand under final rejection. Claims 10-20 have been previously withdrawn. The rejection of claims 1-9 is hereby appealed.

Grounds of Rejection to be Reviewed on Appeal

A. Whether the Examiner's rejection of claim 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,542,905 to Fogel ("Fogel") in view of U.S. Patent No. 6,526,358 to Matthews ("Matthews") and further in view of U.S. Patent No. 6,192,360 to Dumais et al. ("Dumais") is proper.

Argument

A. The Examiner's rejection of claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over Fogel in view of Matthews and further in view of Dumais is improper.

The Examiner continues to improperly maintain the rejection of claims 1-9 in view of Fogel, Matthews, and Dumais. However, Fogel, Matthews, and Dumais, alone or in combination, fail to teach “evaluating the initial probability of the first hypothesis based on the at least one cause,” as recited in claim 1. In the Examiner's Answer, the Examiner continues to assert that only Matthews recites this feature.

On page 6 of the Examiner's Answer, the Examiner asserts that the term “evaluation” could mean “measuring, calculating, displaying, estimating, determining, viewing, analyzing, etc.” However, even based on this broad interpretation, Matthews does not teach an evaluation. Matthews allegedly determines a highest probability hypothesis, but Matthews does not evaluate the hypothesis after the determination. Matthews also allegedly calculates a probability that a particular fault has occurred, but Matthews does not evaluate the probability calculation. Indeed, Matthews determines which hypothesis to use, but does not evaluate the chosen hypothesis. *See* Col. 6, lines 19-64. Matthews recites a “hypothesis tester” that is used to select a hypothesis. *See* Col. 6, lines 21-26. The hypothesis tester merely selects a hypothesis from a list of pre-determined hypotheses. The Examiner has not asserted that this hypothesis tester recites the claimed feature of evaluating, but the Examiner has not identified which aspect of Matthews actually teaches evaluating the initial probability of the first hypothesis.

The Examiner improperly disregards the terms of the “evaluating” step and construes the step to include only evaluating. Then, the Examiner further disregards the actual claim language by interpreting “evaluating” to mean “measuring, calculating, displaying, estimating, determining, viewing, analyzing, etc.” Although Matthews may be performing a step that can be characterized as “determining,” the claim itself also recites other steps that use “determining.” But that coincidence does not render those steps duplicative, because each step is different. Further, merely because Matthews can be interpreted to conduct some type of “determination” or other alleged equivalent cited by the Examiner, it does not satisfactorily establish a *prima facie* case of obviousness for the actual claim language of “evaluating the initial probability of the first hypothesis based on the at least one cause,” as recited in claim 1. By requiring the Examiner to construe the claim based on the actual terms in the claim, no limitations are required to be read

into the claims from the specification. A person of ordinary skill in the art would recognize that the step of “evaluating the initial probability of the first hypothesis based on the at least one cause” cannot be so broadly interpreted to mean any action of measuring, calculating, displaying, estimating, determining, viewing, or analyzing that is performed in any manner by the cited references. Indeed, Matthews fails to measure, calculate, display, estimate, determine, view, or analyze the initial probability of the first hypothesis based on the as least one cause.

Thus, neither Fogel, Matthews, nor Dumais, alone or in combination, teaches or suggests “evaluating the initial probability of the first hypothesis based on the at least one cause,” as recited in claim 1. Because independent claim 1 is patentable over Fogel, Matthews, and Dumais for the reasons stated above, claims 2-9 are patentable over the cited art for the same reasons stated above. Therefore, the undersigned representative respectfully requests that the Examiner withdraw the rejection of claims 1-9 under 35 U.S.C. § 103(a).

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 50-4402.

Respectfully submitted,

Date: December 15, 2009
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